

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

NICOMEDES TUBAR, III,

No. C05-1154JCC

Plaintiff,

**Supplementary Declaration  
of  
D.P. Van Blaricom**

v.

JASON CLIFT; and THE CITY OF KENT,  
WASHINGTON, a municipal corporation,

Defendants.

D.P. Van Blaricom declares as follows:

1. I am of legal age, competent to testify, and have personal knowledge of the facts set out herein.

2. I made an earlier declaration in this matter and all of my opinions stated therein remain the same.

3. By way of clarification, however, I would further state the following additional facts:

- a. My use of the term "*probable cause*" is not an attempt to state a legal opinion and is simply a recitation of my training and, wherever that term is used, the lay word "*reason*" may be substituted;
- b. I have never claimed to be an "*accident reconstructionist*" but, as explained in my earlier declaration, I have been trained as a shooting reconstructionist and have routinely practiced that skill in my review of over 256 officer-involved shootings;

1 c. As regards Joseph Fountain's declaration, wherein, he states that I "do not  
2 *acknowledge recent police shooting research on the very real perception and*  
3 *reaction delays in human performance*":

4 1) I can only presume that he refers to the studies by William J. Lewinski,  
5 Ph.D,

6 2) I am not only aware of those studies, I have attended training by the  
7 author thereof as recently as February 13, 2006,

8 3) Those studies and my training therein, however, do not affect my  
9 opinions in this officer-involved shooting.  
10

11 4. I am prepared to testify to these opinions in deposition or at trial, if called upon  
12 to do so.

13 5. If I am provided with further documentation for my review, I may have  
14 additional opinions.

15 I declare under penalty of perjury of the laws of the United States that the  
16 foregoing is true and correct.

17 Executed this 18<sup>th</sup> day of April 2006 at Bellevue, Washington.  
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D.P. VAN BLARICOM

HON. JOHN C. COUGHENOUR

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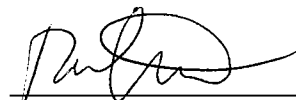
SUPPLEMENTARY DECLARATION  
OF  
D. P. VAN BLARICOM

CERTIFICATE OF SERVICE

I hereby certify that on the 18<sup>th</sup> day of April, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send electronic notification of such filing to:

Steven L. Thorsrud  
Mary Ann McConaughy

[sthorsrud@kbmlawyers.com](mailto:sthorsrud@kbmlawyers.com)  
[mmcconaughy@kbmlawyers.com](mailto:mmcconaughy@kbmlawyers.com)



Rebecca Talbott  
Paralegal